

CHAPTER NO. 121

SENATE BILL NO. 995

By Henry

Substituted for: House Bill No. 913

By Briley

AN ACT To amend Tennessee Code Annotated, Title 30, Chapter 3, relative to the Uniform Absence as Evidence of Death and Absentees' Property Law.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 30-3-102, is amended by deleting subsection (a) and by substituting instead the following:

(a) A person absent from his or her place of residence and unheard of for seven (7) years or longer, whose absence is not satisfactorily explained, is presumed to be dead; provided, however, such presumption may be rebutted by proof.

SECTION 2. Tennessee Code Annotated, Section 30-3-108(b), is amended by deleting the words and punctuation "if the absentee has not appeared, the court may proceed" and by substituting instead the following:

if the absentee has not appeared and if the court has received evidence sufficient to rebut the presumption that a person absent seven (7) years is dead, then the court may proceed

SECTION 3. Tennessee Code Annotated, Section 30-3-108, is amended by adding the following language as a new, appropriately designated subsection:

(c) After the lapse of seven (7) years from the date of the finding provided for in § 30-3-104, if the absentee has not appeared and if sufficient proof has not been received to rebut the presumption that a person absent seven (7) years is dead, then the court may make a final finding and decree that the absentee is dead, in which event the decree and a transcript of all of the receivership proceedings shall be certified to the probate court for any administration required by law upon the estate of a decedent, and the receivership court shall proceed no further except for the purposes hereinafter set forth in § 30-3-110.

SECTION 4. Tennessee Code Annotated, Section 30-3-110(1), is amended by deleting the words, figures and symbols "under subsection (a) of § 30-3-108," and by substituting instead the following:

under § 30-3-108(a) or § 30-3-108(c),


SECTION 5. Tennessee Code Annotated, Section 30-3-113(a), is amended by deleting the words, figures and symbols "under subsection (a), § 30-3-108," and by substituting instead the following:

under § 30-3-108(a) or § 30-3-108(c),

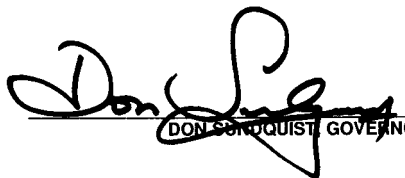
SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to any person whose death has not previously been adjudicated under Title 30, Chapter 3, Part 1, regardless of the date of disappearance or absence.

PASSED: April 23, 2001


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 26th day of April 2001


DON SUNDQUIST, GOVERNOR